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October 31, 2007

The Honorable Kevin Martin  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554-0005

**Re: Unlicensed Devices in the "White Spaces"**  
**ET Docket No. 04-186**

Dear Chairman Martin:

On behalf of *The 5th Avenue Theatre* and Seattle's vibrant theatre industry I am writing to voice our concern with, and opposition to, the proposal before the Commission to open access to the television band (54 MHz - 698 MHz) to personal/portable unlicensed devices.

I urge the Commission to reject plans to allow personal/portable devices in the "white spaces" until such time as independent engineering analysis demonstrates conclusively that the new devices will not interfere with wireless microphones. This analysis must be based on field tests of proposed new device technology performed in real world situations. Given the critical need for absolute clarity and reliability of our wireless microphone systems, we also strongly urge the Commission to set-aside several channels in each metropolitan market, including channels adjacent to television broadcast channels, for exclusive use of wireless microphones.

As you may be aware theatre companies such as ours may use up to 50 wireless microphones during each and every performance. Our audience has come to expect a crisp, clean stage experience that can only occur with sophisticated sound systems. We urge you not to allow largely unproven technology to cause significant damage to the theatre experience our audiences now enjoy.

The 5th Avenue Theatre is a critically acclaimed professional, non-profit musical theatre company and, as such, plays a vital role in our local and national

Marilynn Sheldon  
*Managing Director*

David Armstrong  
*Producing Artistic Director*

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*The 5th Avenue  
is a non-profit  
theater dedicated  
to the performing  
arts and supported  
by the community.*

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cultural scene. We are also crucial to the economic health of downtown Seattle. We enjoy the yearly support of 25,000 season ticket holders and more than 300,000 audience members come through our doors each season.

On a national scale statistics show that the live theatre industry contributes at least \$3.25 billion annually to metropolitan areas across the United States and further stimulates local economies by leveraging thousands of surrounding restaurants, hotels, tourist attractions, and other small and medium sized businesses who craft their business plans with the arts in mind. The total spending by theatre-motivated people across the United States came to \$611.7 million and generated another \$547.2 million in indirect rounds of spending. Add these numbers together and you begin to appreciate how significant our industry is to the nation's economy.

Theatre enjoys a special distinction in our society - it is the pinnacle of live entertainment, and it inspires new generations to explore ideas with open minds and think critically about the world around them.

The Commission has many proposed white space "solutions" before it. Regardless of the ultimate solution, I urge the Commission to take all necessary precautions to protect the ability of theatre companies in Seattle and across the nation to fully use all of the wireless tools we need to present a modern audience (who expect a modern performance) of our great indigenous art form -- the American Musical Theatre.

Sincerely,

A handwritten signature in black ink, appearing to read "Marilyn Sheldon", written over the printed name.

Marilynn Sheldon  
Managing Director  
The 5<sup>th</sup> Avenue Theatre

CC: Commissioner Jonathan S. Adelstein  
Commissioner Michael J. Copps  
Commissioner Robert M. McDowell  
Commissioner Deborah Taylor Tate